

REMARKS

In the Office Action dated March 31, 2006, claims 1-6, 7-10, 11, 13-19, 21, 22, 24, and 25 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,546,448 (Caswell) in view of U.S. Patent No. 6,167,123 (Kwok); and claims 12, 20, and 23 were rejected under § 103 over Caswell in view of Kwok, and further in view of U.S. Patent 5,884,262 (Wise).

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to the claimed subject matter for at least the following reasons: (1) no motivation or suggestion existed to combine the teachings of Caswell and Kwok; and (2) the references when considered together do not teach or suggest all elements of claim 1. *See* M.P.E.P. § 2143 (8th ed., Rev. 3), at 2100-135.

Caswell describes a caller ID interface that decodes caller ID associated with an incoming call and determines, based on the caller ID, caller name, time information, and date information, whether the incoming call to a modem is allowed. Caswell, 10:2-8. As correctly noted by the Office Action, Caswell clearly does not disclose detecting for an indication of a type of the telephony call, and determining, based on permission data relating to security for the system, whether the type of the telephony call is permitted. 3/31/2006 Office Action at 2. The Office Action, however, cited Kwok as disclosing the features of claim 1 that are missing in Caswell.

Kwok describes a PBX call discrimination system that provides voice, fax, and data services utilizing one telephone number for each local line that is serviced. Kwok, Abstract. If a voice call is identified, the call is routed to a telephone extension. Kwok, 3:6-9. If the call is identified as a fax transmission, the call is routed to a fax line or a fax server. Kwok 3:9-11. If the call is identified as a data transmission, then the call is routed to a modem server. Kwok, 3:13-15. There existed absolutely no suggestion of any desirability to incorporate the call routing mechanism described in Kwok into the Caswell system, which determines whether an incoming call should be allowed or disconnected based on the identification of the caller, date information, or time information. *See In re Fritch* 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) (“The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.”). A person of ordinary skill in the art looking to the teachings

of Caswell and Kwok would have been taught either: (1) to admit or disconnect a call based on caller identification or time and date information; or (2) to route call to different destination devices based on the type of call. These references do not provide any suggestion that it would be desirable to combine the above features.

In fact, modifying Caswell based on the teachings of Kwok would change the principle of operation of Caswell. What the Office Action is proposing is the replacement of the authorization mechanism described in Caswell that is based on caller ID, caller name, date information, or time information, with a completely different mechanism according to the teachings of Kwok, which would provide different functionality from that taught by Caswell. This modification would significantly change the manner in which Caswell operates. As noted by the M.P.E.P., any proposed modification or combination of prior art that “would change the principal operation of the prior art is an indication that the teachings or the references are not sufficient to render the claims *prima facie* obvious.” See M.P.E.P. § 2143.01, at 2100-138.

In view of the foregoing, the *prima facie* case of obviousness against claim 1 is defective for at least the reason that no motivation or suggestion existed to combine the teachings of Caswell and Kwok.

Moreover, the hypothetical combination of Caswell and Kwok does not teach or suggest all elements of claim 1. Neither Caswell nor Kwok performs the following act of claim 1: determining, based on the permission data related to security for the system, whether the type of the telephony call is permitted. As discussed above, Caswell determines whether or not to accept an incoming call based on caller ID, caller name, date information, or time information. Kwok, on the other hand, describes the routing of an incoming call to different destinations based on the type of call. Thus, it is clear that neither Caswell nor Kwok teaches or suggests the determining element of claim 1; therefore, the hypothetical combination of these references does not teach or suggest all elements of claim 1. The *prima facie* case of obviousness against claim 1 is defective for this additional reason.

Independent claims 13 and 21 are similarly allowable over the cited references. Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims over Caswell and Kwok, it is respectfully

Appln. Serial No. 10/666,027
Amendment Dated June 22, 2006
Reply to Office Action Mailed March 31, 2006

submitted that the obviousness rejection of dependent claims over Caswell, Kwok, and Wise has been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304161-2).

Respectfully submitted,

Date: June 22, 2006



Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883